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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA and
STATE OF CALIFORNIA *ex rel.*
DIXIE SWITZER, AS EXECUTOR
TO THE ESTATE OF TED
SWITZER, AND DIXIE SWITZER,

Plaintiffs,

V.

ROBERT C. WOOD, II; *et al.*;

Defendants.

CASE NO. CV 18-8118-CJC (ASx)

STIPULATION OF DISMISSAL

Complaint Filed: September 19, 2018

1 In accordance with the terms and conditions of the applicable ~~September~~ ~~X~~
2 ~~2024~~, Settlement Agreements among the United States of America, the State of
3 California, and the California Department of Insurance (“Governments”), Defendants
4 Michael Maguire, M.D. and Sean Early, M.D. (“Defendants”), and Relator Dixie
5 Switzer in her own stead and as executor to the estate of Ted Switzer (“Relators”),
6 Defendants have complied with Sections 1 and 3 of the Settlement Agreements ~~as will~~
7 ~~comply~~ ~~by~~ ~~no later than~~ ~~October~~ ~~2024~~. (FCA Settlement Agreement at §§1, 3;
8 CFCA Settlement Agreement at §§ 1, 3; CIFPA Settlement Agreement at §§ 1, 3).

9 Accordingly, and pursuant to Rule 41(a) of the Federal Rules of Civil Procedure,
10 the *qui tam* provisions of the False Claims Act (“FCA”), 31 U.S.C. § 3730(b)(1),
11 California False Claims Act (“CFCA”), Cal. Gov’t Code § 12652(c)(1), the California
12 Insurance Fraud & Prevention Act (“CIFPA”), Cal. Ins. Code § 1871.7(g)(2), and the
13 terms and conditions of the Settlement Agreements, the parties submit this Stipulation
14 of Dismissal.

15 **I. Claims on Behalf of the Governments**

16 The Governments and Relators stipulate, through their undersigned counsel, to
17 the entry of an Order: (1) dismissing with prejudice to the United States, the State of
18 California, the California Department of Insurance, and Relators all claims asserted on
19 behalf of the Governments against Defendants concerning the Covered Conduct as the
20 term is defined in Paragraph D of the Settlement Agreements; (2) dismissing without
21 prejudice to the Governments and with prejudice to Relators any other claims asserted
22 on behalf of the Governments against Defendants in this action; and (3) dismissing
23 without prejudice to Relators and the Governments as to the claims asserted against
24 the Defaulting Defendants and Counter-Defendants Robert C. “Sonny” Wood II,
25 Access Medical, LLC, and The Timberline Group, LLC (“Defaulting Defendants and
26 Counter-Defendants”).¹

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28 ¹ On May 16, 2023, the court severed the remaining defendants from this action
and transferred the claims against the severed defendants to the District of Nevada and
the Southern District of Georgia (Dkt. 105).

II. Relators' Claims

Relators stipulate that the amounts, share, fees, and costs pursuant to 31 U.S.C. § 3730(d), Cal. Gov't Code § 12652(g)(8), and Cal. Ins. Code § 1871.7(g)(2) are fair, adequate, and reasonable under all circumstances, will not challenge the settlement, and expressly waive the opportunity for a hearing of any objection to the settlement pursuant to 31 U.S.C. § 3730(c)(2)(B), Cal. Gov't Code § 12652(e)(2)(B), and Cal. Ins. Code § 1871.7(f)(2)(B).

III. Defendants' Counterclaims

Defendants dismiss without prejudice all claims asserted by them against Defaulting Defendants and Counter-Defendants.

This stipulation does not waive or otherwise affect the ability of the Governments or any other person to contend that 31 U.S.C. § 3730(b)(3), (b)(5), and (e), Cal. Gov't Code §§ 12652(c)(5), (c)(10), and (d), or Cal. Ins. Code §§ 1871.7(b)(3), (b)(5), and (e), bar Relators or any other person from sharing in the proceeds of the settlement.

Respectfully submitted,

Dated: October 2, 2024

COTCHETT, PITRE & McCARTHY, LLP

By: Grace Y. Park
Grace Y Park
Attorneys for Relators

Dated: September 27, 2024

RIMÔN PC

By: J. Paul Gignac
J. Paul Gignac
Claire K. Mitchell
Attorneys for Defendants Sean D. Early,
M.D. and Michael Maguire, M.D.

Dated: September, 2024

Oct - 28, 1927

By: David M. Finkelstein, Trial Attorney
U.S. Department of Justice
Attorneys for United States of America

1 Dated: September 26, 2024
2
3

4 By: Quisteen S. Shum
5 Quisteen S. Shum
Supervising Deputy Attorney General
California Department of Justice
6 *Attorneys for the State of California*

7 Dated: September , 2024
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10 By: Heather Hoesterey
11 Heather Hoesterey
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12 *Attorneys for California Department of*
13 *Insurance*

1 Dated: September , 2024
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6 Quisteen S. Shum
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10 Dated: September 25, 2024
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12 By:
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14 Nathaniel Spencer-Mork
15 Counsel for State of California
16 *Attorneys for California Department of*
17 *Insurance*

